

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1, 8 and 11. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-5, 8, 9, and 11-15 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102(a)

Claims 8 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Telefonaktiebolaget LM Ericsson (EP 1 231 753 A) hereinafter Telefon. The Applicants have amended independent claim 8 to distinguish from the cited prior art. The Telefon reference lacks the The Applicant respectfully requests withdrawal of the rejection of these claims.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-4, 8-9, and 11-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ishiguro (Publication No. US 2003/0185397 A1). The Applicant respectfully traverses the rejection of these claims.

The Applicant has amended the independent claims to distinguish from the prior art and to place the claims in condition for allowance. Support for the amendments is found on page 1, lines 12-14.

As provided in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim as found, either expressly or inherently described in a single prior art reference." The Ishiguro reference does not teach or suggest a method, device or system for optimizing distribution of a service in a Wide Area Network. This being the case, the Applicant respectfully requests the withdrawal of the rejection of independent claims 1, 8 and 11. Claims 2-4, 9 and 12-14 depend respectively from claims 1, 8, and 11 and recite further limitations. Withdrawal of the rejection of these claims is also respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 5 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishiguro (Publication No. US 2003/0185397 A1) in view of Moody (Publication No. US 2005/0005272). The Applicant respectfully traverses the rejection of these claims and requests the Examiner to reconsider this rejection in view of the following remarks.

MPEP 2143.03 provides that in order to establish a prima facie case of obviousness, the cited references must teach or suggest all claim limitations. MPEP 2111.02 states that any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. The Applicant respectfully submits that the Ishiguro and Moody references fail to teach or suggest all of the claim limitations. The Applicant submits that the Wide Area Network amendment meets this requirement and neither Ishiguro nor Moody teach or suggest the Wide Area Network limitation. This being the case, the Applicant respectfully requests the rejection of claims 5 and 15 be withdrawn.

Prior Art Not Relied Upon

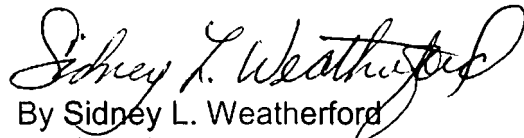
In paragraph 17 on page 12 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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